

REMARKS / ARGUMENTS

This letter is responsive to the Office Action dated November 5, 2002.

The following is a listing of the claims which are currently in the application:

Claim 1: previously amended

Claims 2,3: original

Claim 4: previously amended

Claims 5-7: cancelled

Claim 8: previously amended

Claim 9: original

Claim 10: currently amended

Claims 11-13: cancelled

Claim 14: previously amended

Claim 15: cancelled

Claim 16: previously added

Claim 17: cancelled

Claims 18: previously amended

Claims 19-21: previously added

Claim 22: cancelled

Claim 23: previously added

Claims 24-27: new

In the detailed action, the Examiner objected to claim 22 under 37 CFR 1.75(c) as being improperly dependent. By this Response, the applicant has canceled claim 22 without prejudice.

The Examiner rejected claims 1-4,8-10, 14, 16,18-21 and 23 as being anticipated by Barvaeus. In issuing this rejection, the Examiner described this reference as follows:

Barvaeus shows the use of a shell (3) having a plurality of vertically extending members (2) integrally formed (when assembled) therein mounted on a frame (1), which has a top and bottom and a central opening therein (see Figure 1).

Barvaeus further shows that the vertically extending members are adjustable by moving a bottom portion thereof upwardly. (see Figure 3)

As shown in Barvaeus, the backrest structure comprises strip-like members 2 which are positioned in front of backing structure 1. As shown in Figures 2, 3 and 4, as strip-like members 2 are compressed or expanded, some portion of the strip-like members engage backing member 1. This is shown in particular in Figure 3. As shown in that Figure, the upper portion of strip-like members 2 are in contact with backing structure 1.

In claim 1 as previously amended, the applicant has specified that "the vertically extending members support the back of a person without engaging any structural member positioned behind the vertically extending members". In accordance with the instant invention, the vertically extending members provide a passive support to the back of a person. The vertically extending members conform to the contour of the back

of a person. If the vertically extending members were to engage another structural element positioned rearward thereof (e.g. backing member 1 of Barvaeus), then vertically extending members would not provide only passive support to the back of a person. Instead, at least a portion of their rearward movement would be limited. Accordingly, the applicant respectfully submits that claim 1 as currently on file is not anticipated by Barvaeus.

With respect to claim 14, the applicant repeats and relies on the argument set out above. In particular, in claim 14 as previously amended, it is specified that each of the vertically extending members "supports a longitudinal section of at least the lumbar region of a person seated in the chair without engaging a supplemental support member". Accordingly, the claim specifies that the vertically extending members do not contact a rearwardly positioned backing structure 1. Accordingly, the applicant respectfully submits that claim 14 as currently on file is not anticipated by Barvaeus.

The applicant has amended claim 10 to specify that:

. . . the vertically extending members have a front face, a rear face, a forward extent of movement and a rearward extent of movement wherein at the forward extent of movement the front face of the vertically extending members is spaced from any other structural member of the backrest and at the rearward extent of movement the rear face of the vertically extending members is spaced from any other structural member of the backrest, and at the rearward extent of movement

the rear face of the vertically extending members is spaced from any other structural member of the backrest

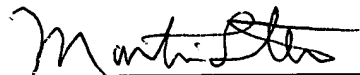
Thus, applicant has amended claim 10 to specify that the vertically extending members are spaced from other structural members of the backrest. Accordingly, the applicant respectfully submits that claim 10 as amended hereby is not anticipated by Barvaeus.

In view of the forgoing amendments and comments, applicant respectfully submits that the application is now in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,

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